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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/832,719	04/11/2001	Robert Leslie Van Oostenbrugge	PHNL 000183	9755
24737	7590	05/28/2004	EXAMINER	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS			BONSHOCK, DENNIS G	
P.O. BOX 3001			ART UNIT	PAPER NUMBER
BRIARCLIFF MANOR, NY 10510			2173	10
DATE MAILED: 05/28/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/832,719	VAN OOSTENBRUGGE ET AL. <i>[Signature]</i>	
	<b>Examiner</b>	<b>Art Unit</b>	
	Dennis G. Bonshock	2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 10 March 2004.  
 2a) This action is FINAL.      2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-12 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-12 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 10 March 2004 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**Final Rejection**

***Response to Amendment***

1. It is hereby acknowledged that the following papers have been received and placed on record in the file: Amendment A as received on 03-10-2004.
2. Claims 1-12 have been examined.

**Status of Claims:**

Claims 1-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Monteiro et al., Patent # 5,778,187, hereinafter Monteiro.

***Drawings***

The drawings were received on 03-10-04. These drawings are unacceptable.

The drawings are objected to because the amended drawings (figures 1-3) were submitted in an unreadable form, the text in the boxes is unreadable. Furthermore, box 306 is still shown to be an empty step. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Monteiro et al., Patent # 5,778,187, hereinafter Monteiro.

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6. With respect to claim 1, which teaches an apparatus comprising presentation means for presenting a graphical user interface and skin means for applying a skin to the graphical user interface, Monteiro teaches, in column 17, lines 20-31 and column 7, lines 48-59, a system with a client application which allows for an optional graphical user interface (skin) to be displayed. With regard to claim 1, further teaching that the skin is applied in response to an event not originating from a user request to change the currently applied skin, Monteiro teaches, in column 17, lines 20-31 and column 7, lines 48-59, that the user interface changes in response to a different song being played.

7. With respect to claim 2, which teaches an apparatus receiving information from a remote server, Monteiro teaches, in column 17, lines 20-31 and Figure 1, tabs of a multimedia frame dynamically transmitted to the client. With regard to claim 2, further teaching the event comprising the reception of a skin change command from the remote server, Monteiro teaches, in column 17, lines 20-31 and Figure 1, the server sending a representative interface to the client.

8. With respect to claim 3, which teaches an apparatus comprising storage means for storing a plurality of skins, Monteiro teaches, in column 8, lines 17-25 and column 7, lines 48-59, storing a plurality of user specific interface elements on the clients computer. With regard to claim 3, further teaching the skin change command including an identification of a respective one of the plurality of skins, Monteiro teaches, in column 8, lines 17-25 and column 7, lines 48-59, the interface elements being identifiable to correspond to an audio channel and a specific cueing signal. With regard to claim 3, further teaching the skin being adapted to apply said respective skin to the graphical

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user interface in response to a skin change command, Monteiro teaches, in column 8, lines 17-25 and column 7, lines 48-59, the interface elements being displayed corresponding to an audio channel or a specific cueing signal.

9. With regard to claim 4, which teaches the skin change command including a further skin, in which the skin means is adapted to apply said further skin to the graphical user interface, Monteiro teaches, in column 8, lines 17-25 and column 7, lines 48-59, several interface elements (advertisements) downloaded at a time and being displayed corresponding to an audio channel or a specific cueing signal.

10. With regard to claim 5, which teaches presentation means capable of presenting further information, and that the event comprises a change in a parameter of said further information, Monteiro teaches, in column 8, lines 17-25 and column 7, lines 48-59, the event being a specific cueing signal, and teaches in column 17, lines 20-31, the event being a change in audio channel.

11. With regard to claim 6, which teaches information comprising audio and/or video content, Monteiro teaches, in column 2, lines 8-11 and column 17, lines 20-31, the information being audio and/or video content. With respect to claim 6, further teaching a parameter representing a category of said content, Monteiro teaches, in column 17, lines 20-31, that if the user changes music type or there is a change in the artist the interface window will adapt.

12. With regard to claim 7, which teaches that the apparatus further comprised user profile means for maintaining a user profile, and an event comprising a change in a user profile, Monteiro teaches, in column 2, lines 17-26 and column 8, lines 12-15, that

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portions of information can be tailored to the client, when the clients habits change the environment adapts around the client.

13. With regard to claim 8, which teaches the above claims being implemented in a computer program, with a computing device, Monteiro teaches, in column 2, lines 1-26 and figure 1, that the system is a computer system, implemented using computing devices.

14. With regard to claim 9, which teaches a method of transmitting information to an apparatus, Monteiro teaches, in column 17, lines 20-31 and in figure 1, a method of transmitting information to a user. With regard to claim 9, further teaching a presentation means for presenting a graphical user interface and skin means for applying a skin to the graphical user interface so as to influence the look of the graphical user interface, Monteiro teaches, in column 17, lines 20-31 and in figure 18, an application with a dynamic graphical user interface based on client selections. With regard to claim 9, further teaching information transmitted comprising a skin change command to the apparatus for changing a currently applied skin, Monteiro teaches, in column 17, lines 20-31 and in figure 1, that skin information is transmitted to the client.

15. With respect to claim 10, which teaches an apparatus comprising storage means for storing a plurality of skins, Monteiro teaches, in column 8, lines 17-25 and column 7, lines 48-59, storing a plurality of user specific interface elements on the clients computer. With regard to claim 10, further teaching the skin change command including an identification of a respective one of the plurality of skins, Monteiro teaches, in column 8, lines 17-25 and column 7, lines 48-59, the interface elements being identifiable to

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correspond to an audio channel and a specific cueing signal. With regard to claim 10, further teaching the skin being adapted to apply said respective skin to the graphical user interface in response to a skin change command, Monteiro teaches, in column 8, lines 17-25 and column 7, lines 48-59, the interface elements being displayed corresponding to an audio channel or a specific cueing signal.

16. With regard to claim 11, which teaches the skin change command including a further skin, in which the skin means is adapted to apply said further skin to the graphical user interface, Monteiro teaches, in column 8, lines 17-25 and column 7, lines 48-59, several interface elements (advertisements) downloaded at a time and being displayed corresponding to an audio channel or a specific cueing signal.

17. With regard to claim 12, which teaches information comprising audio and/or video content, Monteiro teaches, in column 2, lines 8-11 and column 17, lines 20-31, the information being audio and/or video content. With respect to claim 12, further teaching a parameter representing a category of said content, Monteiro teaches, in column 17, lines 20-31, that if the user changes music type or there is a change in the artist the interface window will adapt.

***Response to Arguments***

18. The arguments filed on 03-10-2004 have been fully considered but they are not persuasive. The reasons are set forth below.

19. The applicant's argue that with respect to claims 1, 9, 10, and 11, that Monteiro does not disclose a skin.

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20. In response, the examiner respectfully submits that Monteiro teaches, in column 2, lines 7-26, an interface that has relatively the same content but has elements specific to a particular topic of current focus, further tailoring graphics, text, and other items to a specific context of a specific user.

21. The applicant's argue that with respect to claims 1, 7, and 9, there is no teaching in Monteiro that discloses a skin change command as recited by the applicant.

22. In response, the examiner respectfully submits that Monteiro teaches, in column 17, lines 20-30, dynamically changing the tabs displaying relevant information (ex: album cover, lyrics, and optionally ordering information or chatting), upon selection of a new channel (artist/genre). This provides the user with a different skin within the tab/window that provides essentially the same content but with context specific information, and optional information based on whether or not some of the information/options are available.

### ***Conclusion***

23. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

24. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

25. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis G. Bonshock whose telephone number is (703) 305-4668. The examiner can normally be reached on Monday - Friday, 6:30 a.m. - 4:00 p.m.

26. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (703) 308-3116. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

27. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

dgb



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ART UNIT 2173